

NATIONAL ASSEMBLY

SECOND SESSION

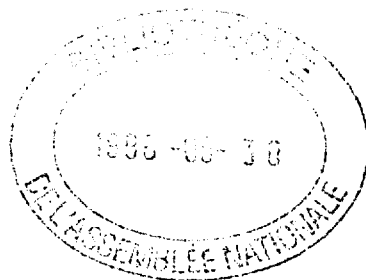
THIRTY-FIFTH LEGISLATURE

Bill 24

An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

Introduction

**Introduced by
Mr Rémy Trudel
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill amends municipal legislation to establish a plan to offset financial losses that elected members and municipal employees may suffer owing to the performance of their duties, to grant various additional powers to municipalities and to simplify certain procedures applicable to municipal bodies.

As regards protection against financial losses, the bill amends the Cities and Towns Act, the Municipal Code of Québec and the constituent Acts of the urban communities and intermunicipal transit authorities so that the members of the council and the employees of municipal bodies have access to financial support should they incur financial loss in the performance of their duties within the municipal body or a mandatory body.

With respect to the new powers granted to municipalities, the bill amends the Cities and Towns Act and the Municipal Code of Québec, essentially to enable municipalities to enter into agreements with the Government in relation to pilot decentralization experiences.

The bill also amends the Act respecting municipal industrial immovables to enable several local municipalities to create a board entrusted with the operation of an intermunicipal industrial park.

As for the simplifying of procedures, the bill amends the Cities and Towns Act, the Municipal Code of Québec, the Act respecting municipal taxation, the Act respecting municipal territorial organization and the constituent Acts of the urban communities, in particular to eliminate the by-law required to authorize most agreements between municipal bodies. It also amends the Cities and Towns Act, the Municipal Code of Québec and the Charter of the City of Montréal primarily to allow for the use of an electronic tendering system to be used in tandem with publication in a daily or weekly newspaper where a construction contract to be awarded involves an expenditure of \$100,000 or more.

The bill amends the Act respecting land use planning and development and the Act respecting the remuneration of elected municipal officers to transfer from the former to the latter Act the rules pertaining to remuneration, compensation and reimbursement of various expenses within regional county municipalities. The bill also relaxes various rules contained in the Act respecting the remuneration of elected municipal officers.

Lastly, the bill contains the required transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

- Charter of the City of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

Bill 24

An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 34 of the statutes of 1995 and by section 124 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 2.2 of subsection 1 by the following paragraph:

“(2.2) Lease its property, although such power does not, however, enable the municipality to acquire or build property principally for leasing purposes;”.

2. The said Act is amended by inserting, after section 29.1, the following sections:

“29.1.1 A municipality may enter into an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis.

“29.1.2 The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“29.1.3 A municipality may join with any municipality or urban community for the purposes of an agreement with the Government under section 29.1.1.

“29.1.4 An agreement entered into under section 29.1.1 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.

“29.1.5 Sections 29.1.1 to 29.1.4 apply to every municipality governed by this Act, and to Ville de Montréal and Ville de Québec.”

3. Section 29.5 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding sections 468 to 469.1, a” in the first line by the word “Every”.

4. Section 29.9 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding sections 468 to 469.1, two or more municipal” in the first line of the first paragraph by the word “Municipal”.

5. Section 29.9.2 of the said Act, amended by section 8 of chapter 34 of the statutes of 1995, is again amended

(1) by inserting, after the first paragraph, the following paragraph:

“The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native Persons (chapter S-5), for school boards, for educational institutions or for non-profit organizations.”;

(2) by adding, at the end of the second paragraph, the words “The Minister of Municipal Affairs may provide that the rules do not apply to contracts awarded by the delegating body referred to in the second paragraph, or to any class thereof.”

6. The said Act is amended by inserting, after section 73.1, the following section:

“73.2 The council may, on the conditions it determines, delegate to any officer or employee of the municipality who is not an employee within the meaning of the Labour Code (chapter C-27) the power to hire officers and employees who are such employees.”

7. Sections 74 and 75 of the said Act are repealed.

8. Section 84 of the said Act is amended by striking out the second paragraph.

9. Section 108 of the said Act, amended by section 12 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

10. Section 414 of the said Act, amended by section 154 of chapter 2 of the statutes of 1996, is again amended by striking out the words "if the population of the municipality does not exceed 15 000 inhabitants" in the first and second lines of the first paragraph of subparagraph 6 of the first paragraph.

11. Section 415 of the said Act, amended by section 155 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words "in accordance with paragraph 2.1 of subsection 1 of section 28, or re-allocate to any purpose within its competence," in the third, fourth and fifth lines of the second paragraph of paragraph 1 by the words "or re-allocate to any purpose within its competence";

(2) by adding, at the end of the second paragraph of paragraph 1, the words "where the value of the bed of a road alienated gratuitously is greater than the amount mentioned in paragraph 2.1 of subsection 1 of section 28, the alienation shall, notwithstanding the fact that it was made gratuitously, be entered in the notice provided for in that paragraph with a mention of the gratuitous nature of the alienation instead of the price of alienation";

(3) by inserting, after paragraph 30.1, the following paragraph:

"(30.2) To grant persons of any group it determines the exclusive right to park their vehicles on the roadway of certain streets provided such right is indicated by means of appropriate signs, and to provide for other conditions which may vary according to the streets, groups or combinations of streets and groups;"

12. Section 440 of the said Act is replaced by the following sections:

“440. A municipality may suspend the supply of water to a person who has failed to pay a sum required for such service and who, on the lapse of 30 days after the sending of the notice provided for in the second paragraph, has omitted to remedy such failure. The suspension shall continue until the sum is paid.

The treasurer shall send to the person, by registered or certified mail, a notice informing him of his failure to pay and of the suspension of the supply of water to which he may be subject under the first paragraph.

“440.1 A municipality may suspend the supply of water to a person who makes abusive use of the water or whose equipment causes water to be wasted or the quality of the water to deteriorate, and who, on the lapse of 10 days after the sending of the notice provided for in the second paragraph, has omitted to take the required corrective measures. The suspension shall continue until such measures are taken.

The competent officer shall send to the person, by registered or certified mail, a notice exposing the problem, indicating the corrective measures to be taken and informing the person of the suspension of the supply of water to which he may be subject under the first paragraph.

“440.2 The sum required for the supply of water, except to the extent that it is related to actual consumption, shall remain payable throughout the period in which the service is suspended under section 440 or 440.1.”

13. Section 458.26 of the said Act is replaced by the following section:

“458.26 The municipality may stand surety for the association as regards the repayment of a loan of the association.

The second and third paragraphs of subsection 3 of section 28 apply in respect of such a surety.”

14. Section 463 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 4, the following paragraph:

“(5) To require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law, in addition to

any penalty, shall become debtor to the municipality for the cost of cleaning operations carried out by the municipality.”

15. Section 464 of the said Act, amended by section 23 of chapter 23 of the statutes of 1994 and by section 169 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the third paragraph of subparagraph 8 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.”;

(2) by replacing the second paragraph of subparagraph 10 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers whose territory comprises that of the municipality, include the employees of the body within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.”;

(3) by replacing the words “subparagraph 10” in the first line of the second paragraph by the words “subparagraphs 8, 10 and 11”.

16. Section 468 of the said Act, amended by section 174 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “may, by by-law,” in the second line of the first paragraph by the word “, may”;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

17. Section 468.1 of the said Act is amended

(1) by replacing the word “by-laws” in the second line of the second paragraph by the word “resolutions”;

(2) by adding, at the end, the following paragraph:

“The first two paragraphs also apply to any agreement amending the agreement mentioned in section 468.10.”

18. Section 468.2 of the said Act is repealed.

19. Section 468.26 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“468.26 The board of directors may, by by-law, establish the remuneration of the chairman and of the other members of the board. Such remuneration may be fixed on an annual, monthly or weekly basis or on the basis of the member’s attendance at the meetings of the board of directors, or by combining the two modes of remuneration.

The members of the board of directors may also be reimbursed for expenses actually incurred while acting for the management board, provided such expenses receive the prior authorization of the board of directors. The reimbursement shall be approved by the board of directors on presentation of a statement and of supporting vouchers.”

20. Section 468.34 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by striking out the words “by by-law” in the first line of the third paragraph.

21. Section 468.45 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by inserting the words “, subject to the rules established in an agreement entered into under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1),” after the word “may” in the first line of the second paragraph.

22. Section 468.51 of the said Act is amended by replacing the words “and sections 573.1 to 573.3 and 573.5 to 573.10” in the fourth and fifth lines of the first paragraph by the words “, sections 573.1 to 573.3.1, sections 573.5 to 573.10 and sections 604.6 to 604.13”.

23. Section 468.51.1 of the said Act is amended

(1) by striking out the words “a by-law of the council of” in the second line of paragraph 1;

(2) by replacing the words “the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and” in the first and second lines of paragraph 2 by the words “a certified true copy of the program and of each resolution approving it pursuant to paragraph 1 must be transmitted by the clerk or the secretary-treasurer”.

24. Section 478.1 of the said Act is amended by replacing the words “not exceeding \$10” in the third line by the words “, the amount of which is fixed by by-law of the council,”.

25. Section 481 of the said Act, amended by section 184 of chapter 2 of the statutes of 1996, is again amended by striking out the words “, not exceeding 5%,” in the first line of the fifth paragraph.

26. Section 484 of the said Act is amended by adding, at the end, the following paragraph:

“An application to the court for the recovery of a real estate tax filed before the tax is prescribed and served, not later than 60 days after the expiry of the prescription period, on any of the persons from whom the payment may be claimed under section 498, shall interrupt prescription with respect to all such persons.”

27. Section 513 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The notice may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.”

28. Section 573 of the said Act, amended by section 23 of chapter 34 of the statutes of 1995, is again amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”

29. Section 573.1.2 of the said Act is amended by replacing the word “three” in the second and fourth lines by the word “five”.

30. The said Act is amended by inserting, after section 573.3, the following section:

“573.3.1 The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or authorize it to do so after a call for public tenders made by inviting in writing rather than by publication in a newspaper.”

31. Section 573.4 of the said Act, amended by section 205 of chapter 2 of the statutes of 1996, is again amended by replacing the figure “573.3” in the first line by the figure “573.3.1”.

32. The said Act is amended by inserting, after section 604.5, the following division:

“DIVISION XIII.1

“PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED TO THE PERFORMANCE OF MUNICIPAL DUTIES

“604.6 A municipality shall

(1) assume the defence of a person whose election as member of the council of a municipality is contested or who is the defendant or respondent in judicial proceedings brought before a court by reason of the person’s alleged disqualification for office as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality;

(2) assume the defence or the representation, as the case may be, of a person who is the defendant, respondent or accused, or the person impleaded in judicial proceedings brought before a court by reason of the person’s alleged act or omission in the performance of his duties as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality.

Where the person assumes, himself or through an attorney of his choice, the defence or representation, the municipality shall pay any reasonable costs incurred therefor. However, the municipality may, with the consent of the person, reimburse such costs to him instead of paying them.

The municipality is exempt from the obligations set out in the first two paragraphs, in a particular case, if the person renounces in writing, in respect of that case, the application of those provisions.

For the purposes of this division,

(1) “mandatory body” means any body declared by law to be the mandatory or agent of the municipality and any body whose council is composed of a majority of members of the council of the municipality, whose budget is adopted by the municipality or more than half of the financing of which is assumed by the municipality;

(2) “court” means, in addition to its ordinary meaning, a coroner, a fire investigation commissioner, an inquiry commission or a person or body exercising quasi-judicial functions.

“604.7 The person for whom the municipality is required to incur expenses under section 604.6 shall, at the request of the municipality, reimburse all the expenses or the portion of such expenses indicated in the request in any of the following cases:

(1) the person’s alleged act or omission having given rise to the proceedings is a gross or intentional fault or a fault separable from the performance of his duties;

(2) the proceedings are brought before the court by the municipality or by a third person at the request of the municipality;

(3) the person, defendant or accused in the penal or criminal proceedings, has been convicted and had no reasonable grounds to believe that he acted within the law.

In addition, where the municipality incurs the expenses referred to in the first paragraph in reimbursing the expenses relating to the person’s defence or representation assumed by the person himself or by an attorney of his choice, the municipality’s obligation shall cease, in respect of all expenses not reimbursed or the portion of such expenses which the municipality may indicate, from the day on which it is established, by the person’s own admission or by a judgment that has become *res judicata*, that the request for reimbursement provided for in the first paragraph or the cessation of reimbursement provided for in this paragraph is justified.

The first and second paragraphs apply where the municipality is justified in requiring the reimbursement provided for in the first paragraph or, as the case may be, in ceasing to make the reimbursements under the second paragraph.

“604.8 For the purpose of determining whether the justification provided for in the third paragraph of section 604.7 exists, the following objectives shall be considered and weighed one against the other:

(1) the person referred to in section 604.6 must be reasonably protected against any financial loss which may result from the performance of his duties;

(2) the monies of the municipality must not be used to protect such a person against financial losses resulting from misconduct which cannot possibly be compared with the errors that may reasonably be expected to be committed by a person performing similar duties.

For the purposes of the first paragraph, the good or bad faith of the person may be taken into account as well as his diligence or negligence in learning the rules and practices relevant to the performance of his duties, the existence or absence of any previous fault related to the performance of his duties, the simplicity or complexity of the circumstances in which he committed a fault, the good or poor quality of the advice given to him and any other relevant factor.

“604.9 Where the municipality’s right to obtain the reimbursement requested under the first paragraph of section 604.7 is contested, section 604.6, adapted as required, applies in respect of any judicial recourse exercised by the municipality in order to obtain such reimbursement.

The court before which the recourse is exercised shall rule also on the applicability of section 604.7 in respect of all or part of the expenses to be incurred by the municipality for the purposes of the first paragraph of this section, as if the grounds for the recourse were the same as those for the original proceedings referred to in section 604.6.

The court before which the original proceedings referred to in section 604.6 are brought, in the case of a court of justice and civil proceedings, may, at the request of the municipality, rule on the applicability of section 604.7 in respect of such proceedings. Where

the municipality is not already a party to or impleaded in the proceedings, it may intervene in order to make and support the request.

“604.10 Every municipality shall pay damages owing to a third person which result from the fault of a member of its council in the performance of his duties within the municipality or a mandatory body of the municipality, except in the case of a gross or intentional fault or a fault separable from the performance of such duties, or where the member, without the authorization of the municipality, admits his fault or assumes his defence or representation, during the proceedings in which his fault is proved, himself or through an attorney of his choice.

The first paragraph may not be used to establish the fault of a municipality or a mandatory body.

“604.11 Any municipality may, by by-law, provide for the payment of an indemnity, on application, to any person who has suffered material loss in the performance of his duties as a council member, officer or employee of the municipality or a mandatory body of the municipality.

The by-law must specify the circumstances giving rise to the payment of the indemnity, the amount of the indemnity or the manner of computing that amount, and the time limit for filing an application.

The payment of every indemnity must be decided by the council.

“604.12 Any benefit provided by a municipality to or in respect of a person under a provision of this division in the period throughout which the person is a member of the council of the municipality, or the provision of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

For the purposes of any provision relating to the disqualification for office as an officer or employee of a municipality, a benefit referred to in the first paragraph is deemed to be provided for by the contract binding the municipality and the officer or employee to or in respect of whom the benefit is provided.

“604.13 Where a provision of a by-law, resolution, contract or collective agreement provides for a benefit that is not as advantageous to the person to or in respect of whom it is provided as the benefit provided for in a provision of this division, the latter provision shall prevail.

“604.14 This division applies to every municipality governed by this Act and to Ville de Montréal and Ville de Québec.”

33. Form 1 of the said Act is repealed.

MUNICIPAL CODE OF QUÉBEC

34. Article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 24 of chapter 34 of the statutes of 1995 and by section 225 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 3 by the following paragraph:

“(3) lease its property, although such power does not, however, enable the municipality to acquire or build property principally for leasing purposes;”.

35. Article 8.1 of the said Code, enacted by section 26 of chapter 34 of the statutes of 1995, is amended by adding, at the end, the following paragraph:

“A regional county municipality may, in addition, furnish technical assistance to an enterprise situated in its territory by providing it with the services of an economic development agent.”

36. The said Code is amended by inserting, after article 10.4, the following articles:

“10.5 A municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, a Minister or a government body, are transferred to the municipality on an experimental basis.

“10.6 The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“10.7 A municipality may join with any municipality or urban community for the purposes of an agreement with the Government under article 10.5.

“10.8 An agreement entered into under article 10.5 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.”

37. Article 14.3 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding articles 569 to 624, a” in the first line by the word “Every”.

38. Article 14.7 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding articles 569 to 624, two or more municipal” in the first line of the first paragraph by the word “Municipal”.

39. Article 14.7.2 of the said Code, amended by section 32 of chapter 34 of the statutes of 1995, is again amended

(1) by inserting, after the first paragraph, the following paragraph:

“The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native Persons (chapter S-5), for school boards, for educational institutions or for non-profit organizations.”;

(2) by adding, at the end of the second paragraph, the following: “The Minister of Municipal Affairs may provide that such rules shall not apply to contracts awarded by the delegating body referred to in the second paragraph or to any class thereof.”

40. Article 21 of the said Code is repealed.

41. Article 25 of the said Code, amended by section 234 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 38, the following paragraph:

“(39) the word “officer” means a public servant or an employee”.

42. Article 165 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The municipality may fix the salary of all its public servants and employees.”

43. The said Code is amended by inserting, after article 165, the following article:

“165.1 The council may, on the conditions it determines, delegate to any public servant or employee of the municipality who is not an employee within the meaning of the Labour Code (chapter C-27) the power to hire public servants and employees who are such employees.”

44. Article 167 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

45. Article 178 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

46. Article 204 of the said Code, amended by section 262 of chapter 2 of the statutes of 1996, is again amended by replacing the word “The” in the first line of the first paragraph by the words “Unless otherwise provided for in a by-law under article 960.1, the”.

47. Article 441 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

48. The heading of Title XIV of the said Code is replaced by the following heading:

“BY-LAWS AND CERTAIN RESOLUTIONS”.

49. The heading of Chapter II of Title XIV of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is replaced by the following heading:

"CERTAIN BY-LAWS AND RESOLUTIONS THAT MAY BE MADE
BY LOCAL MUNICIPALITIES".

50. Article 491 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out subparagraph 4 of the first paragraph.

51. Article 546 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 5, the following paragraph:

"(6) to require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law, in addition to any penalty, shall become debtor to the municipality for the cost of cleaning operations carried out by the municipality."

52. The said Code is amended by inserting, after article 563, the following articles:

"563.1 A local municipality may suspend the supply of water to a person who has failed to pay a sum required for such service and who, on the lapse of 30 days after the sending of the notice provided for in the second paragraph, has omitted to remedy such failure. The suspension shall continue until the sum is paid.

The secretary-treasurer shall send to the person, by registered or certified mail, a notice informing him of his failure to pay and of the suspension of the supply of water to which he may be subject under the first paragraph.

"563.2 A local municipality may suspend the supply of water to a person who makes abusive use of the water or whose equipment causes water to be wasted or the quality of the water to deteriorate, and who, on the lapse of 10 days after the notice provided for in the second paragraph is sent, has omitted to take the required corrective measures. The suspension shall continue until such measures are taken.

The competent officer shall send to the person, by registered or certified mail, a notice exposing the problem, indicating the corrective measures to be taken and informing the person of the suspension of the supply of water to which he may be subject to under the first paragraph.

"563.3 The sum required for the supply of water, except to the extent that it is related to actual consumption, shall remain

payable throughout the period in which the service is suspended under article 563.1 or 563.2.”

53. The said Code is amended by inserting, before article 566.1, the following heading:

“DIVISION XXIII.1

“PARKING”.

54. The said Code is amended by inserting, after article 566.2, the following article:

“566.3 Every local municipality may, by by-law, grant persons of any group it determines the exclusive right to park their vehicles on the roadway of certain streets provided such right is indicated by means of appropriate signs, and to provide for other conditions which may vary according to the streets, groups or combinations of streets and groups.”

55. Article 569 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words “, by by-law,” in the first line of the first paragraph;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

56. Article 570 of the said Code is amended

(1) by replacing the word “by-laws” in the second line of the second paragraph by the word “resolutions”;

(2) by adding, at the end, the following paragraph:

“The first two paragraphs also apply to any agreement amending the agreement mentioned in article 579.”

57. Article 571 of the said Code is repealed.

58. Article 595 of the said Code is amended by replacing the first paragraph by the following paragraphs:

“595. The board of directors may, by by-law, establish the remuneration of the chairman and of the other members of the board. Such remuneration may be fixed on an annual, monthly or

weekly basis or on the basis of the member's attendance at the meetings of the board of directors, or by combining the two modes of remuneration.

The members of the board of directors may also be reimbursed for expenses actually incurred while acting for the management board, provided such expenses receive the prior authorization of the board of directors. The reimbursement shall be approved by the board of directors on presentation of a statement and of supporting vouchers."

59. Article 603 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the words "by by-law" in the first line of the third paragraph.

60. Article 614 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by inserting the words ", subject to the rules established in an agreement under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1)," after the word "may" in the first line of the second paragraph.

61. Article 620 of the said Code is amended by replacing the words "and sections 573.1 to 573.3 and 573.5 to 573.10" in the fourth line of the first paragraph by the words ", sections 573.1 to 573.3.1, 573.5 to 573.10 and 604.6 to 604.13".

62. Article 620.1 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words "a by-law of the council of" in the second line of paragraph 1;

(2) by replacing the words "the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and" in the first and second lines of paragraph 2 by the words "a certified true copy of the program and of each resolution approving it pursuant to paragraph 1 must be transmitted by the clerk or the secretary-treasurer".

63. Article 659 of the said Code is replaced by the following article:

"659. The municipality may become surety for the association as regards the repayment of a loan of the association.

The second and third paragraphs of article 9 apply in respect of such a surety.”

64. The heading of Chapter IV of Title XIV of the said Code, amended by section 317 of chapter 2 of the statutes of 1996, is replaced by the following heading:

“CERTAIN BY-LAWS AND RESOLUTIONS THAT MAY BE MADE
BY REGIONAL COUNTY MUNICIPALITIES”.

65. Article 678 of the said Code, amended by section 318 of chapter 2 of the statutes of 1996, is again amended by inserting the words “or, as the case may be, resolutions” after the word “by-laws” in the first line.

66. Article 688.4 of the said Code, amended by section 325 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

67. Article 705 of the said Code is replaced by the following article:

“**705.** The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of the application of a by-law contemplated in article 704. The body concerned shall deduct the employees’ contributive shares from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

68. Article 708 of the said Code, amended by section 331 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, include the employees of the body within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to

the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

69. Article 710 of the said Code, amended by section 40 of chapter 34 of the statutes of 1995 and by section 333 of chapter 2 of the statutes of 1996, is again amended by striking out the words “, by a by-law,” in the second line of the first paragraph.

70. Article 711.1 of the said Code is amended by replacing the words “article 708” in the second line by the words “articles 704 to 706, 708 and 709”.

71. The said Code is amended by inserting, after article 711.19, the following:

“TITLE XVIII.2

“PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED TO THE PERFORMANCE OF MUNICIPAL DUTIES

“**711.19.1** A municipality shall

(1) assume the defence of a person whose election as member of the council of a municipality is contested or who is the defendant or respondent in judicial proceedings brought before a court by reason of the person’s alleged disqualification for office as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality ;

(2) assume the defence or the representation, as the case may be, of a person who is the defendant, respondent or accused, or the person impleaded in judicial proceedings brought before a court by reason of the person’s alleged act or omission in the performance of his duties as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality.

Where the person assumes, himself or through an attorney of his choice, the defence or representation, the municipality shall pay any reasonable costs incurred therefor. However, the municipality may, with the consent of the person, reimburse such costs to him instead of paying them.

The municipality is exempt from the obligations set out in the first two paragraphs, in a particular case, if the person renounces in writing, in respect of that case, the application of those provisions.

For the purposes of this Title,

(1) “mandatory body” means any body declared by law to be the mandatory or agent of the municipality and any body whose council is composed of a majority of members of the council of the municipality, whose budget is adopted by the municipality or more than half of the financing of which is assumed by the municipality;

(2) “court” means, in addition to its ordinary meaning, a coroner, a fire investigation commissioner, an inquiry commission or a person or body exercising quasi-judicial functions.

“711.19.2 The person for whom the municipality is required to incur expenses under article 711.19.1 shall, at the request of the municipality, reimburse all the expenses or the portion of such expenses indicated in the request in any of the following cases:

(1) the person’s alleged act or omission having given rise to the proceedings is a gross or intentional fault or a fault separable from the performance of his duties;

(2) the proceedings are brought before the court by the municipality or by a third person at the request of the municipality;

(3) the person, defendant or accused in the penal or criminal proceedings, has been convicted and had no reasonable grounds to believe that he acted within the law.

In addition, where the municipality incurs the expenses referred to in the first paragraph in reimbursing the expenses relating to the person’s defence or representation assumed by the person himself or by an attorney of his choice, the municipality’s obligation shall cease, in respect of all expenses not reimbursed or the portion of such expenses which the municipality may indicate, from the day on which it is established, by the person’s own admission or by a judgment that has become *res judicata*, that the request for reimbursement provided for in the first paragraph or the cessation of reimbursement provided for in this paragraph is justified.

The first and second paragraphs apply where the municipality is justified in requiring the reimbursement provided for in the first paragraph or, as the case may be, in ceasing to make the reimbursements pursuant to the second paragraph.

“711.19.3 For the purpose of determining whether the justification provided for in the third paragraph of article 711.19.2

exists, the following objectives shall be considered and weighed one against the other:

(1) the person referred to in article 711.19.1 must be reasonably protected against any financial loss which may result from the performance of his duties;

(2) the monies of the municipality must not be used to protect such a person against financial losses resulting from misconduct which cannot possibly be compared with the errors that may reasonably be expected to be committed by a person performing similar duties.

For the purposes of the first paragraph, the good or bad faith of the person may be taken into account as well as his diligence or negligence in learning the rules and practices relevant to the performance of his duties, the existence or absence of any previous fault related to the performance of his duties, the simplicity or complexity of the circumstances in which he committed a fault, the good or poor quality of the advice given to him and any other relevant factor.

“711.19.4 Where the municipality’s right to obtain the reimbursement requested under the first paragraph of article 711.19.2 is contested, article 711.19.1, adapted as required, applies in respect of any judicial recourse exercised by the municipality in order to obtain such reimbursement.

The court before which the recourse is exercised shall rule also on the applicability of article 711.19.2 in respect of all or part of the expenses to be incurred by the municipality for the purposes of the first paragraph of this article, as if the grounds for the recourse were the same as those for the original proceedings referred to in article 711.19.1.

The court before which the original proceedings referred to in article 711.19.1 are brought, in the case of a court of justice and civil proceedings, may, at the request of the municipality, rule on the applicability of article 711.19.2 in respect of such proceedings. Where the municipality is not already a party to or impleaded in the proceedings, it may intervene in order to make and support the request.

“711.19.5 Every municipality shall pay damages owing to a third person which result from the fault of a member of its council in the performance of his duties within the municipality or a mandatary

body of the municipality, except in the case of a gross or intentional fault or a fault separable from the performance of such duties, or where the member, without the authorization of the municipality, admits his fault or assumes his defence or representation, during the proceedings in which his fault is proved, himself or through an attorney of his choice.

The first paragraph may not be used to establish the fault of a municipality or a mandatory body.

“711.19.6 Any municipality may, by by-law, provide for the payment of an indemnity, on application, to any person who has suffered material loss in the performance of his duties as a member of the council, officer or employee of the municipality or a mandatory body of the municipality.

The by-law must specify the circumstances giving rise to the payment of the indemnity, the amount of the indemnity or the manner of computing that amount, and the time limit for filing an application.

The payment of every indemnity must be decided by the council.

“711.19.7 Any benefit provided by a municipality to or in respect of a person under a provision of this Title in the period throughout which the person is a member of the council of the municipality, or the provision of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of member of the council for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

For the purposes of any provision relating to the disqualification for office as an officer or employee of a municipality, a benefit referred to in the first paragraph is deemed to be provided for by the contract binding the municipality and the officer or employee to or in respect of whom the benefit is provided.

“711.19.8 Where a provision of a by-law, resolution, contract or collective agreement provides for a benefit that is not as advantageous to the person to or in respect of whom it is provided as the benefit provided for in a provision of this Title, the latter provision shall prevail.”

72. Article 739 of the said Code is replaced by the following article:

“739. The local municipality may alienate, even gratuitously, the right of way of a road no longer in use or re-use it for any purpose coming under its jurisdiction.

Where the value of the right of way that alienated gratuitously is greater than the amount mentioned in paragraph 1.1 of article 6, the alienation shall, notwithstanding its gratuitous character, be entered in the notice provided for in that paragraph with a mention of the gratuitous nature of the alienation instead of the price of alienation.”

73. Article 935 of the said Code, amended by section 41 of chapter 34 of the statutes of 1995 and by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the third paragraph of subarticle 1 by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”

74. Article 936.2 of the said Code is amended by replacing the word “three” in the second and fourth lines by the word “five”.

75. The said Code is amended by inserting, after article 938, the following article:

“938.1 The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.”

76. Articles 945 to 947 of the said Code are repealed.

77. The said Code is amended by inserting, after the heading of Title XXII, the following article:

“953.1 Not later than 31 December each year, the council of a local municipality must adopt the municipality’s program of capital expenditures for the following three fiscal years.

The program must be divided into annual phases. It must set out, for the period concerned, the object and amount of and means of financing the capital expenditures that the municipality proposes to

make and that are to be financed over a period of more than 12 months.”

78. Article 955 of the said Code, amended by section 395 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “and the latest auditor’s report” in the first and second lines of the second paragraph by the words “, the latest auditor’s report and the latest three-year program of capital expenditures”;

(2) by replacing the words “and the general orientation of the next budget” in the third and fourth lines of the second paragraph by the words “the general orientation of the next budget and the next three-year program of capital expenditures”.

79. Article 956 of the said Code is amended

(1) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the first line of the first paragraph;

(2) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the second line of the second paragraph.

80. Article 957 of the said Code, amended by section 456 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “adopted, or the explanatory document thereof provided for in paragraph 8 of section 263 of the Act respecting municipal taxation (chapter F-2.1)” in the first, second and third lines by the words “or the three-year program of capital expenditures adopted, or an explanatory document on the budget or the program”;

(2) by replacing the words “explanatory document” in the fifth line by the words “three-year program, or the explanatory document on the budget or the program,”;

(3) by adding, at the end, the following paragraph:

“For the purposes of the first paragraph, the explanatory document on the budget is the document provided for in paragraph 8 of section 263 of the Act respecting municipal taxation (chapter F-2.1).”

81. The said Code is amended by inserting, after article 960, the following article:

“960.1 The council may pass any by-law relating to the administration of municipal finances and determine the person who is to make payments out of the funds of the municipality and the formalities to be followed.”

82. Article 962.1 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “not exceeding \$10” in the third line by the words “, the amount of which shall be fixed by by-law,”.

83. Article 966 of the said Code, amended by section 44 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

84. Article 985 of the said Code is amended

(1) by striking out the second sentence;

(2) by adding, at the end, the following paragraph:

“An application to the court for the recovery of a real estate tax filed before the tax is prescribed and served, not later than 60 days after the expiry of the prescription period on any of the persons from whom the payment may be claimed under article 982, shall interrupt prescription with respect to all those persons.”

85. Article 1007 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the words “not exceeding 5 percent” in the second line of the third paragraph.

86. Article 1027 of the said Code, amended by section 46 of chapter 34 of the statutes of 1995 and by section 422 of chapter 2 of the statutes of 1996, is again amended by replacing the sixth paragraph by the following paragraph:

“The list may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.”

87. Article 1029 of the said Code is amended by replacing the words “power of the Commission municipale du Québec provided by” in the first and second lines by the words “sixth paragraph of”.

88. Article 1102 of the said Code is repealed.

89. Article 1103 of the said Code is amended by replacing the word “falls” in the second line of the first paragraph by the words “is alienated gratuitously”.

90. Form 4.1 of the schedule to the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

91. Section 87 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.

92. Sections 204 to 204.8 of the said Act are repealed.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

93. Section 83.1.1 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), enacted by section 9 of chapter 71 of the statutes of 1995, is amended by replacing the word “three” in the sixth line of the first paragraph by the word “five”.

94. Section 87 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

“A certified copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

95. Section 87.2 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

96. Section 131.2 of the said Act, amended by section 497 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

97. Section 144 of the said Act, amended by section 16 of chapter 71 of the statutes of 1995, is again amended by striking out the second sentence of the first paragraph.

98. Section 193.1 of the said Act is amended by striking out the words “by by-law” in the first line of the first paragraph.

99. The said Act is amended by inserting, after section 238, the following section:

“238.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the transit corporation.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

100. Section 120.0.5 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the word “three” in the fifth line of the first paragraph by the word “five”.

101. Section 124 of the said Act, amended by section 546 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the second paragraph by the following paragraph:

“A certified true copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

102. Section 124.2 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

103. Section 158.1.2 of the said Act, amended by section 525 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

104. Section 223 of the said Act, amended by section 103 of chapter 65 of the statutes of 1995 and by section 49 of chapter 71 of the statutes of 1995, is again amended

(1) by striking out the second sentence of the first paragraph;

(2) by replacing the words “Every by-law adopted under this section” in the first line of the third paragraph by the words “Once adopted, the program”.

105. Section 223.1 of the said Act is amended by replacing the word “by-law” in the third line by the word “program”.

106. Section 306.29 of the said Act is amended by striking out the words “by by -law” in the first line.

107. The said Act is amended by inserting, after section 317.1, the following section:

“317.2 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the Société de transport.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

108. Section 92.0.4 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing the word “three” in the fifth line of the first paragraph by the word “five”.

109. Section 96.2 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

“A certified true copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

110. Section 96.4 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

111. Section 143.5 of the said Act, amended by section 565 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

112. Section 158 of the said Act, amended by section 79 of chapter 71 of the statutes of 1995, is again amended by striking out the second sentence of the first paragraph.

113. Section 158.1 of the said Act is amended by replacing the word “by-law” in the third line by the word “program”.

114. The said Act is amended by inserting, after section 224, the following section:

“224.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the Société.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

115. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1), amended by section 115 of chapter 65 of the statutes of 1995, is again amended by inserting, in the fourth line of the first paragraph and after the figure “567”, the words “and sections 604.6 to 604.13”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

116. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 117, the following section:

“117.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to every intermunicipal transit corporation.”

ACT RESPECTING MUNICIPAL TAXATION

117. Section 198 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is repealed.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

118. The Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by inserting, after section 13, the following sections:

“13.1 Local municipalities may enter into an agreement pertaining to the exercise of any power assigned to them under section 2, 6 or 7.

The agreement may also pertain to the carrying out of work for the construction of municipal infrastructures or equipment to serve the immovables acquired under section 2 or used in a manner consistent with this Act.

The provisions of the Act governing each municipality that concern intermunicipal agreements apply, with reference to sections 13.2 to 13.4, to the agreement referred to in this section.

“13.2 The resolution authorizing the conclusion of the agreement must be approved by the qualified voters.

The first paragraph does not apply to Ville de Québec.

No agreement may be entered into unless all resolutions requiring the approval of the qualified voters are deemed to be approved by the qualified voters.

“13.3 No agreement may provide for an operating procedure other than that of the intermunicipal board.

“13.4 The agreement must set out, in addition to the information required under sections 468.3 and 468.10 of the Cities and Towns Act (chapter C-19) or articles 572 and 579 of the Municipal Code of Québec (chapter C-27.1),

(1) rules governing the apportionment of revenues deriving from the alienation, operation or leasing of any immovable in excess of the revenues to be used to discharge the commitments under this Act;

(2) rules governing the apportionment of monies received from real estate tax imposed by a municipality party to the agreement on the immovables alienated, operated or leased under this Act and from other taxes, compensations and tariffs imposed by any such municipality on persons who are the owners, lessees or occupants of such immovables;

(3) the maximum amount of expenses to be borne by each municipality party to the agreement for the purposes of the objects referred to in the first paragraph of section 13.1 and to be financed otherwise than by a loan by-law.

The agreement may provide that the rules made under subparagraph 2 of the first paragraph apply for a period that exceeds the term of the agreement. In such case, the rules continue to apply, notwithstanding the termination of the agreement, until the expiry of that period; sections 468.53 and 469 of the Cities and Towns Act and articles 622 and 623 of the Municipal Code of Québec shall apply, with the necessary modifications, where there is disagreement as to the application of those rules.

Any expense exceeding the maximum amount referred to in subparagraph 3 of the first paragraph shall be financed by a loan by-law.

“13.5 In addition to the provisions required for the achievement of the objects of the agreement, the board is deemed to be a local municipality for the purposes of sections 6.0.1 and 6.0.2, of the first paragraph of section 10 and of sections 11 and 12.

However, sections 1 and 4 do not apply in respect of expenses incurred pursuant to the agreement by the board or any of the municipalities that are parties thereto.

In addition to the maximum term prescribed in the second paragraph of section 7, the board may not grant a lease under that section for a period exceeding the term of the agreement.

“13.6 For the purposes of this Act, every act performed by the board pursuant to the agreement is deemed to be performed by the local municipality in whose territory the immovable in respect of which the act is performed is located.

“13.7 Every municipality that is a party to the agreement may enter into an agreement with the owner of an immovable that is situated in its territory and that was acquired by the board for the purpose of granting that owner a tax credit to compensate all or part of the difference between the amount of the tax, compensations and tariffs referred to in subparagraph 2 of the first paragraph of section 13.4 payable by the owner in respect of the immovable and the amount that he would have to pay were the immovable situated in the territory of another municipality that is a party to the agreement.

The municipality may also enter into an agreement for such purposes with the lessee of an immovable situated in its territory and belonging to the board.

The duration of the agreement under the first or second paragraph shall not exceed the period during which the rules referred to in subparagraph 2 of the first paragraph of section 13.4 are applicable. The agreement with the owner shall, however, cease to apply when the immovable is no longer used for industrial, para-industrial or research purposes and the agreement with the lessee shall cease to apply upon the expiry of the lease.

This section applies notwithstanding the Municipal Aid Prohibition Act (chapter I-15)."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

119. Section 84.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is replaced by the following section:

"84.1 Local municipalities may enter into an agreement for the purpose of having a study carried out into the advisability of amalgamating their territories."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

120. Section 1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 962 of chapter 2 of the statutes of 1996, is again amended by striking out the words "regional county municipalities," in the first and second lines.

121. Section 2 of the said Act is amended

(1) by replacing the words "and that of its councillors" in the second line of the first paragraph by the words "or warden and of its other members";

(2) by replacing the words "duty among those listed in the third paragraph, specified by the council, that is performed" in the second, third and fourth lines of the second paragraph by the words "position specified by the council among those listed in the third paragraph and held";

(3) by replacing the words "performing such a duty" in the eighth line of the second paragraph by the words "holding such a position";

(4) by replacing the third and fourth paragraphs by the following paragraphs:

“The special positions that may give rise to additional remuneration are

(1) acting mayor;

(2) acting warden;

(3) chairman of the council;

(4) chairman, vice-chairman, interim chairman and member and associate councillor of the executive committee;

(5) chairman, vice-chairman and member of the administrative committee;

(6) member of the board of delegates; and

(7) chairman, vice-chairman and member of a commission or of any committee other than the executive or administrative committees.

In no case may the sum of the basic remuneration and any additional remuneration of a member of a council other than the mayor or warden be greater than 90% of the sum of the basic remuneration and any additional remuneration of the mayor or warden.

A by-law affecting the remuneration of the mayor or the warden may be adopted only if the vote of the mayor or warden in favour of the by-law is included in the majority of votes cast in its favour.”

122. The said Act is amended by inserting, after section 2, the following sections:

“2.1 For the holder of a position listed in section 2 held within a regional county municipality, remuneration or additional remuneration may be attached to a class of functions in the regional county municipality. A class of functions is the set of functions for the exercise of which a given group of council members is empowered to deliberate and vote.

In the case provided for in the first paragraph, the council member shall receive the remuneration or additional remuneration

attached to the class of functions for which the member is empowered to deliberate and vote.

“2.2 In the case provided for in section 2.1, the establishment of additional remuneration attached to a class of functions is deemed to form part of the exercise of the functions for the purpose of determining the persons who are empowered to deliberate and vote on the matter.

Only the remuneration and additional remuneration in respect of which the same council members are empowered to deliberate and vote may be established in the same by-law.

“2.3 In the case provided for in section 2.1, the expenditures of the regional county municipality resulting from the payment of remuneration or additional remuneration attached to a class of functions are deemed to form part of the expenditures resulting from the exercise of the functions, for the purpose of determining who is to provide the financing therefor.”

123. Section 3 of the said Act is amended

(1) by inserting the word “either” after the word “may” in the first line;

(2) by inserting the words “be fixed” after the word “or” in the second line;

(3) by replacing the words “performs the duty” in the fourth line by the words “holds the position”;

(4) by inserting the words “, or be a combination of both methods of remuneration” after the word “remuneration” in the fifth line.

124. Section 5 of the said Act is amended

(1) by striking out the words “, of not over 6%,” in the second and third lines of the second paragraph;

(2) by striking out the words “or 6%, as the case may be” in the seventh line of the fifth paragraph.

125. Section 6 of the said Act is amended

(1) by replacing the words “replaces the mayor reaches a number of days specified in the by-law, the municipality shall pay to the

acting mayor” in the second and third lines by the words “or acting warden replaces the mayor or warden reaches a number of days specified in the by-law, the municipality shall pay to him”;

(2) by inserting the words “or warden” after the word “mayor” in the sixth line.

126. Section 8 of the said Act is amended

(1) by striking out subparagraph 1 of the second paragraph;

(2) by striking out the words “and the expense allowance which is to be added thereto” in the first and second lines of subparagraph 2 of the second paragraph;

(3) by replacing the word “fourth” in the second line of subparagraph 4 of the second paragraph by the word “sixth”;

(4) by replacing the third paragraph by the following paragraphs:

“The draft by-law shall, where applicable, differentiate the basic remuneration and any additional remuneration and shall indicate the special position for which additional remuneration is proposed.

The notice of motion may not be replaced as provided for in the fourth paragraph of article 445 of the Municipal Code of Québec (chapter C-27.1).”

127. Section 9 of the said Act is amended

(1) by inserting the words “, the basic remuneration or additional remuneration whose amendment is proposed and, where a council member’s expense allowance would change as a result of a change in his remuneration, his current and projected allowances” after the word “adopted” in the fifth line of the first paragraph;

(2) by adding, at the end, the following paragraph:

“In addition to being posted, the notice given by the secretary-treasurer of a regional county municipality shall be published in a newspaper circulating in its territory, within the same time limit.”

128. Section 11 of the said Act, amended by section 963 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The mayor shall, where applicable, differentiate the basic remuneration and any additional remuneration and shall indicate the special position for which additional remuneration is paid.”

129. Section 14 of the said Act is replaced by the following section:

“14. The excess amount referred to in section 20 shall be added to the amount established in accordance with sections 12 and 13 to determine the minimum annual remuneration to be received by a mayor.”

130. Section 18 of the said Act, amended by section 964 of chapter 2 of the statutes of 1996, is repealed.

131. Section 19 of the said Act is amended

(1) by striking out the words “or 18” in the third line of the first paragraph;

(2) by replacing the word “office” in the second line of the second paragraph by the word “position”.

132. Section 20 of the said Act is replaced by the following section:

“20. Where the amount equal to one-half of the amount of the mayor’s remuneration under sections 12 and 13 exceeds the maximum established in section 22, the difference shall be paid to the mayor as remuneration rather than as an expense allowance.”

133. Section 22 of the said Act is amended by striking out the second sentence of the first paragraph.

134. Section 24 of the said Act is amended

(1) by striking out the words “or in section 18” in the second line of the first paragraph;

(2) by adding the words “or, as the case may be, to the administrative committee” after the word “committee” at the end of the second line of the second paragraph;

(3) by adding, at the end of the second paragraph, the following: “This paragraph takes precedence over article 124 of the Municipal Code of Québec (chapter C-27.1).”

135. Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the mayor, or the warden, is not required to obtain such prior authorization when he performs an act as part of his duties. The same rule applies in the case of a member of the council designated by the mayor or, as the case may be, by the warden to replace him where he is unable to represent the municipality.”

136. Section 28 of the said Act is amended by inserting the words “in the case of a local municipality, and to the administrative committee in the case of a regional county municipality” after the word “committee” in the second line.

137. Section 30 of the said Act is amended by replacing the words “or, as the case may be, the executive committee” in the first and second lines of the first paragraph by the words “, the executive committee or the administrative committee, as the case may be,”.

138. The said Act is amended by inserting, after section 30, the following sections:

“30.0.1 The council of a municipality may, by by-law, provide for the cases in which it shall pay an advance to a member of the council and establish the rules and the terms and conditions applicable to payment of the advance, as well as the terms and conditions of repayment to the municipality of the portion of the advance that exceeds the reimbursement to which the member is entitled under section 26 or 27.

“30.0.2 The council of a regional county municipality may, by by-law, provide for the cases and the terms and conditions applicable to reimbursement to its members of expenses incurred by them to attend sittings of the council, a committee or a board of delegates.”

139. Section 30.1 of the said Act is amended by inserting the word “local” in the first line of the first paragraph after the word “A”.

140. Section 31 of the said Act is amended

(1) by inserting the word “local” after the word “a” in the first line of the first paragraph;

(2) by inserting the word “local” after the word “a” in the first line of the second paragraph.

141. Section 32 of the said Act is amended

(1) by inserting the word “local” after the word “a” in the third line of the first paragraph;

(2) by inserting the word “local” after the words “classes of” in the first line of the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

142. Article 107 of the Charter of the City of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, section 849 of chapter 57 of the statutes of 1987, section 9 of chapter 87 of the statutes of 1988, section 68 of chapter 27 of the statutes of 1992, section 5 of chapter 82 of the statutes of 1993, section 3 of chapter 53 of the statutes of 1994 and section 82 of chapter 34 of the statutes of 1995, is again amended by replacing the first paragraph of subarticle 3.1 by the following paragraph:

“(3.1) A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the city.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

143. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting, after section 155.1, enacted by section 72 of chapter 25 of the statutes of 1988, the following section:

“155.2 The provisions of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the corporation.”

TRANSITIONAL AND FINAL PROVISIONS

144. Notwithstanding any inconsistent legislative provision, every by-law in force on (*insert here the date of the day preceding the coming into force of this Act*) and adopted pursuant to a power or obligation that, by reason of a provision of this Act, no longer is required to be exercised or fulfilled by by-law, may be amended, replaced or repealed by resolution.

145. No lease granted by a municipality of municipal property before (*insert here the date of the coming into force of this Act*) may be invalidated on the ground that the municipality did not have the authority to lease the property, in regard to paragraph 2.2 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) or to paragraph 3 of article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they existed before being replaced, respectively, by sections 1 and 34.

The first paragraph does not affect any case pending on 14 December 1995.

146. No act performed by a municipality in respect of a pension plan established before (*insert here the date of the coming into force of this Act*) for the benefit of the officers and employees of the municipality or of its municipal housing bureau, may be invalidated on the ground that the municipality performed the act by resolution without having the authority to do so under the second paragraph of section 464 of the Cities and Towns Act or under article 711.1 of the Municipal Code of Québec, as they existed before being amended, respectively, by sections 15 and 70.

The first paragraph does not affect any case pending on 14 December 1995.

147. Until the coming into force of the first by-law adopted by a municipality under section 478.1 of the Cities and Towns Act or under article 962.1 of the Municipal Code of Québec, amended respectively by sections 24 and 82, the municipality may claim administration charges not exceeding \$10 from the drawer of a cheque or order of payment if payment is refused by the drawee.

148. Subject to sections 149 and 150, the provisions of Division XIII.1 of the Cities and Towns Act, enacted by section 32 and made applicable to municipal bodies other than municipalities by the provisions enacted or amended by sections 22, 61, 99, 107, 114 to 116 and 143, and the provisions of Title XVIII.2 of the Municipal Code of Québec enacted by section 71, apply in respect of any proceeding specified therein before a court specified therein after (*insert here the date of the day preceding the coming into force of this Act*).

The municipality or other body may decide that the provisions also apply, in its case, to any such proceeding that was pending on that date before any such court.

149. Section 604.10 of the Cities and Towns Act and article 711.19.5 of the Municipal Code of Québec, enacted respectively by sections 32 and 71, apply in respect of any fault specified therein that was committed after (*insert here the date of the day preceding the coming into force of this Act*).

A municipality or other body subject to that section or article may decide that it also applies, in its case, to any such fault committed before (*insert here the date of the coming into force of this Act*).

150. Every by-law adopted under section 604.11 of the Cities and Towns Act or under article 711.19.6 of the Municipal Code of Québec, enacted respectively by sections 32 and 71, may provide that it also applies in respect of a material loss referred to therein that was suffered before (*insert here the date of the coming into force of this Act*).

151. Every by-law in force on (*insert here the date of the day preceding the coming into force of this Act*) and adopted under subparagraph 4 of the first paragraph of article 491 of the Municipal Code of Québec, as it existed before being struck out by section 50, retains its effects until it is replaced or repealed by a resolution passed under the second paragraph of article 165 of the said Code, amended by section 42.

152. Every by-law or resolution in force on (*insert here the date of the day preceding the coming into force of this Act*) and adopted or passed under any of sections 204 to 204.8 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), as they existed before being repealed by section 92, retains its effects until it is replaced or repealed by a by-law or resolution adopted or passed under the corresponding provision in sections 2 to 2.3, 24 and 25 to 30.0.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended or enacted, as the case may be, by sections 121, 122 and 134 to 138.

A part of the remuneration provided for in a by-law adopted under section 204 of the Act respecting land use planning and development is deemed to be an expense allowance. That part is equal to the lesser of

(1) the amount corresponding to one-third of the remuneration;
and

(2) the amount that the person to whom the remuneration is paid is entitled to receive as an expense allowance from the regional

county municipality, taking into account section 23 of the Act respecting the remuneration of elected municipal officers.

If the amount referred to in subparagraph 2 of the second paragraph is nil, no part of the remuneration mentioned in that paragraph is deemed to be an expense allowance for the person to whom the remuneration is paid.

153. Notwithstanding the repeal, by section 130, of section 18 of the Act respecting the remuneration of elected municipal officers, every person who, on *(insert here the date of the day preceding the coming into force of this Act)*, was receiving additional remuneration under that section shall continue to receive it until the person ceases to hold the position for which the remuneration is payable or until the municipality provides for other additional remuneration for that position in a by-law adopted under section 2 of that Act.

154. This Act comes into force on *(insert here the date of assent to this Act)*.